

AMENDMENT TO RULES COMMITTEE PRINT

118–10

OFFERED BY MR. ISSA OF CALIFORNIA

At the appropriate place in subtitle B of title XVIII,
insert the following:

1 **SEC. ____ . REPORT ON NATIONAL SECURITY IMPACTS OF**
2 **TRIPS WAIVERS.**

3 (a) INVESTIGATION.—The Secretary of Defense shall
4 immediately initiate an investigation, in consultation with
5 the Secretary of Commerce, to determine the effects of
6 any proposed TRIPS waiver on national security.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 120 days
9 after the date on which an investigation is initiated
10 under subsection (a), the Secretary of Defense, in
11 consultation with the Secretary of Commerce, shall
12 submit to the President a report that includes—

13 (A) the findings of such investigation with
14 respect to the effects of a TRIPS waiver on na-
15 tional security; and

16 (B) the recommendations of the Secretary
17 of Defense for action or inaction regarding the
18 TRIPS waiver.

1 (2) MANDATORY RECOMMENDATION OF OPPOSI-
2 TION.—If the Secretary of Defense finds that a
3 TRIPS waiver threatens to impair national security,
4 the Secretary shall include in the report described in
5 paragraph (1) a recommendation to permanently op-
6 pose such TRIPS waiver.

7 (3) PUBLICATION.—Not later than 10 days
8 after the President receives the report required by
9 paragraph (1), each portion of the report that does
10 not contain classified or proprietary information
11 shall be published in the Federal Register.

12 (c) STATEMENT TO CONGRESS.—Not later than 30
13 days after the date on which the President receives the
14 report required by subsection (b)(1), the President shall
15 submit to the appropriate congressional committees a
16 written statement describing the manner and extent to
17 which the findings in such report will influence the deci-
18 sions of the President on using the voice, vote, and influ-
19 ence of the United States at the World Trade Organiza-
20 tion with respect to the TRIPS waiver.

21 (d) DEFINITIONS.—For purposes of this section—

22 (1) The term “appropriate congressional com-
23 mittees” means—

1 (A) the Committee on Armed Services, the
2 Committee on Finance, and the Committee on
3 the Judiciary of the Senate; and

4 (B) the Committee on Armed Services, the
5 Committee on Ways and Means, and the Com-
6 mittee on the Judiciary of the House of Rep-
7 resentatives.

8 (2) The term “TRIPS Agreement” means the
9 Agreement on Trade-Related Aspects of Intellectual
10 Property Rights referred to in section 101(d)(15) of
11 the Uruguay Round Agreements Act (19 U.S.C.
12 3511(d)(15)).

13 (3) The term “TRIPS waiver” means any waiv-
14 er related to COVID–19 technologies of an obliga-
15 tion imposed on members of the World Trade Orga-
16 nization under the TRIPS Agreement.

